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Social and human rights questions: human rights

Statement submitted by the Inter-Parliamentary Union, a non-governmental organization in general consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 30 and 31 of Economic and Social Council resolution 1996/31 of 26 July 1996.

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SOCIAL QUESTIONS AND QUESTIONS RELATING TO HUMAN RIGHTS

(g) Human Rights

Written statement presented by the Inter-Parliamentary Union

1998 - International human rights year

Fifty years ago, the United Nations General Assembly adopted the Universal Declaration of Human Rights, which has become the touchstone of international human rights law and the basis on which human rights conventions, in particular the two international human rights covenants, were elaborated. 1998 also marks the first five-year review of the implementation of the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in 1993.

However, the goals set forth in the Declaration half a century ago are nonetheless still distant since human rights standards are not fully and universally respected and human rights and fundamental freedoms continue to be violated in all parts of the world.

Parliaments and their members, as the legitimate representatives of civil society, are uniquely placed to ensure that concrete measures are taken to make the start of the next millennium a period of more effective progress towards the enjoyment by peoples all over the world of the entire spectrum of civil, political, economic, social and cultural human rights, as enshrined in the International Bill of Human Rights.

The Inter-Parliamentary Union (IPU) has continuously stressed that parliamentary activity as a whole, which covers the entire spectrum of human rights, aims at guaranteeing human rights and fundamental freedoms: Parliament's role is to enshrine human rights and fundamental freedoms adequately in national law and to ensure that the standard it approves is given substance in the corresponding enabling legislation and judicial and administrative practice. In carrying out its essential function of overseeing the action of the Executive branch, Parliament has a broad range of means at its disposal to ensure that human rights obligations are respected and complied with by the competent State authorities. Lastly, Parliament is the State body which adopts the national budget and can thus steer funds towards sectors of primary impact as regards the enjoyment by everybody of human rights by all.

Aware of the particular duty of Parliaments and their members as guardians of human rights, and considering the 50th anniversary of the Universal Declaration of Human Rights as an opportunity for parliaments to ensure that progress towards better implementation of human rights is made, the IPU, at its 98th statutory Conference (Cairo, September 1997) called on all Parliaments and their members to take action at the national level to ensure:

(i) That international and regional human rights treaties are ratified or acceded to promptly by their countries, in case they have not already done so, and that reservations are withdrawn whenever they conflict with the object and purpose of the treaty;

(ii) That enabling legislation is enacted and that the provisions of national laws and regulations are harmonised with the norms and standards contained in these instruments with a view to their full implementation;

(iii) That full co-operation and adequate information is offered to international and regional human rights bodies, including international criminal courts, and that individual complaints procedures provided for in international human rights treaties are accepted;

(iv) That independent national institutions for human rights, including the office of an Ombudsman or equivalent institution, together with parliamentary bodies overseeing human rights issues, are established or activated to operate in keeping with human rights norms;

(v) That non-governmental organisations working for the promotion and protection of human rights receive the necessary support and protection;

(vi) That the necessary budgetary provisions are made for action to promote and protect human rights, with special reference to human rights education;

(vii) That support and co-operation is extended at the international level to the work of the United Nations and, in particular the United Nations High Commissioner on Human Rights, as well as to regional human rights bodies.

Member parliaments were urged to present reports - at the 100th statutory Conference (Moscow, 6 - 11 September 1998) - on the action they have taken to put into practice these recommendations. National follow-up action will be one of the main issues to be discussed under the following item placed on the agenda of the Moscow Conference: « *Strong action by national parliaments in the year of the 50th anniversary of the Universal Declaration of Human Rights to ensure the promotion and protection of all human rights in the 21st century* ».

One of the means of public scrutiny of a government's effort to promote and protect human rights around the world is the establishment of parliamentary human rights bodies. In 1990, the IPU published the first edition of its « *World Directory on Parliamentary Human Rights Bodies* » with the purpose of providing information on the composition, mandate and functioning of such bodies wherever they exist and to facilitate contacts among them. The Directory has become a widely appreciated reference tool and the IPU consequently decided that the year of the 50th anniversary of the Universal Declaration of Human Rights was appropriate to renew it. The new edition, which is currently under preparation on the basis of the replies received from member parliaments to a questionnaire, will be published in autumn 1998.

Efforts to advance international standards regarding human rights and democracy

In the past 10 years, human rights issues have been debated at virtually all IPU statutory conferences held twice annually, resulting in recommendations for specific action by governments and parliaments to uphold and promote human rights. On these occasions, the Union has consistently affirmed its conviction that human rights are universal in scope and that respect for them is an essential factor of justice and development, security and peace. It has also consistently emphasised the indivisible nature of civil and political rights and of economic, social and cultural rights, and expressed its conviction that human rights and fundamental freedoms are a matter of international concern since respect for them constitutes a pillar of international order. Finally, the

Union has placed emphasis on the indissoluble link between respect for human rights, democracy and development.

Most importantly, striving to promote democracy and the establishment of pluralistic systems of representative government in the world, the Inter-Parliamentary Union adopted in September 1997 the « *Universal Declaration on Democracy* », setting out the thinking of the international parliamentary community on the principles of democracy, the elements and exercise of democratic government and the international dimension of democracy. The Declaration, of which the United Nations General Assembly took note in resolution N° 52/18, clearly states that democracy is inseparable from the rights set forth in the major international human rights instruments and is founded on the primacy of law and the exercise of human rights. It affirms that it is an essential function of the State to ensure the enjoyment of civil, cultural, economic, political and social rights for its citizens. The Declaration further states that democracy must also be recognised as an international principle, applicable to international organisations and to States in their international relations. The Declaration was the fruit of a process which started in December 1996 when the IPU had gathered together, with the support of UNESCO, a panel of experts representing all the world's geographic regions and socio-political trends who subsequently presented in writing their views on the major issues at stake in the field of democracy. These texts have been finalised and compiled in a publication entitled « *Democracy: its Principles and Achievement* » which was published in February 1998.

The defence of the human rights of parliamentarians

In order for parliamentarians to protect and promote human rights and fundamental freedoms in their respective countries, it is necessary that they themselves can fully exercise their human rights. In addition, the representative nature of a Parliament closely depends on the respect of the rights of the member of that Parliament. Basing itself on this concept, the IPU established in 1976 a « *Procedure for the examination and treatment of communications concerning violations of the human rights of parliamentarians* ». The Committee on the Human Rights of Parliamentarians, a body composed of five parliamentarians representing the major geopolitical regions, was set up to implement the procedure and investigate relevant complaints by means of a procedure based on the principles of dialogue and co-operation with the authorities of the countries concerned. A just completed substantive statistical analysis of the work it has accomplished since its inception in 1977 not only shows that the number of cases brought before it continuously grows but also reveals some evolution in the nature of violations of the human rights of MPs over the years. While in the early times it dealt with a great number of cases involving disappearances, extrajudicial executions administrative detention or imprisonment without trial, the Committee is now confronted with a proportionally greater number of cases of MPs who are either imprisoned after questionable prosecution and trials that have the appearance of legality or who are the subject of various kinds of harassment or infringements against the free exercise of their parliamentary mandate, that is to say the free exercise of their right to freedom of speech which the IPU considers to be central to the functioning of parliamentary democracy: parliamentary democracy presupposes that parliamentarians are free to report or denounce a possible malfunction of State bodies as in so doing they are simply fulfilling their constitutional oversight function.